

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
FERNANDO GARCIA	:	NO. 04-662-1

ORDER

AND NOW, this 10th day of January, 2012, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the petition of Fernando Garcia for relief under 28 U.S.C. § 2255 (improperly characterized as a writ of audita querela) (Doc. #126) is DENIED;

(2) a certificate of appealability is not issued; and

(3) the motion of Fernando Garcia for appointment of counsel (Doc. #127) is DENIED.

BY THE COURT:

/s/ Harvey Bartle III

J.